

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ELEANOR KELLER, and
THE ESTATE OF GERALD SIMPSON

PLAINTIFFS

V.

CIVIL ACTION NO.: 1:16-CV-136-SA-DAS

ATTALA COUNTY, et al

DEFENDANTS

ORDER

Now before the Court is Defendant Attala County's Motion for Partial Summary Judgment [105]. After this Court's summary judgment ruling, the Defendants appealed to the Fifth Circuit Court of Appeals. *See* Notice of Appeal [91]. The Court subsequently stayed the case pending the outcome of the appeal at the Defendants' request, and administratively closed the case. *See* Orders [103, 104]. At that time the Court noted that the Case would be reopened after notice on the docket that the appeal is resolved.

Although the Fifth Circuit issued an Opinion on July 23, 2019, a mandate never issued. *See* Fifth Circuit Docket Case No. 18-60081. That Opinion was subsequently withdrawn on October 22, 2019. *Id.* Because this case is stayed and administratively closed pending the outcome of the appeal, the instant Motion for Summary Judgment is premature and is denied without prejudice to refiling of the same after the appeal is final, the stay is lifted, and the case is reopened.

It is SO ORDERED, on this the 31st day of October, 2019.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE